

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STEVE W. MITCHELL, et al.	:	
Plaintiff,	:	No. 3:04-CV-2240
	:	
v.	:	
	:	(Judge Caldwell)
WILLIAM J. LUCKENBILL, et al.	:	
Defendants,	:	(Electronically Filed)

DEFENDANTS' PROPOSED SPECIAL VERDICT QUESTIONS

1. Was the force used by Trooper William Luckenbill against Steve Mitchell reasonable under the circumstances?

	Yes
	No
	Evidence is equally balanced

If you answered "Yes" or "Evidence is equally balanced" to this question, enter \$1.00 in response to Question 4 and proceed to Question 5.

If you answered "No" to this question, proceed to the next question.

2. Did the force used by Trooper William Luckenbill cause harm to Steve Mitchell?

_____ Yes
_____ No
_____ Evidence is equally balanced

If you answered “No” or “Evidence is equally balanced” to this question, proceed to Question 5.

If you answered “Yes” to this question, proceed to the next question.

3. Is Trooper William Luckenbill liable to Steve Mitchell for the harm caused by this use of force?

_____ Yes
_____ No
_____ Evidence is equally balanced

If you answered “No” or “Evidence is equally balanced” to this question, enter \$1.00 in response to Question 4 and proceed to Question 5.

If you answered “Yes” to this question, proceed to the next question.

4. What amount will fairly compensate Steve Mitchell for the injuries he received as a result of Trooper William Luckenbill's use of force?

\$ _____

Proceed to the next question.

5. Was the force used by Trooper David Guenther against Steve Mitchell reasonable under the circumstances?

_____ Yes
_____ No
_____ Evidence is equally balanced

If you answered “Yes” or “Evidence is equally balanced” to this question, proceed to Question 9.

If you answered “No” to this question, proceed to the next question.

6. Did the force used by Trooper David Guenther cause harm to Steve Mitchell?

_____ Yes
_____ No
_____ Evidence is equally balanced

If you answered “No” or “Evidence is equally balanced” to this question, proceed to Question 9.

If you answered “Yes” to this question, proceed to the next question.

7. Is Trooper David Guenther liable to Steve Mitchell for the harm caused by this use of force?

_____ Yes
_____ No
_____ Evidence is equally balanced

If you answered “No” or “Evidence is equally balanced” to this question, enter \$1.00 in response to Question 8 and proceed to Question 9.

If you answered “Yes” to this question, proceed to the next question.

8. What amount will fairly compensate Steve Mitchell for the injuries he received as a result of Trooper David Guenther's use of force?

\$ _____

Proceed to the next question.

9. Did Trooper William Luckenbill use force against Bria Jacoby?

_____ Yes
_____ No
_____ Evidence is equally balanced

If you answered “No” or “Evidence is equally balanced” to this question,
proceed to Question 14

If you answered “Yes” to this question, proceed to the next question.

10. Was the force used by Trooper William Luckenbill against Bria Jacoby reasonable under the circumstances?

_____ Yes
_____ No
_____ Evidence is equally balanced

If you answered “Yes” or “Evidence is equally balanced” to this question, proceed to Question 14.

If you answered “No” to this question, proceed to the next question.

11. Did the force used by Trooper William Luckenbill cause harm to Bria Jacoby?

_____ Yes
_____ No
_____ Evidence is equally balanced

If you answered “No” or “Evidence is equally balanced” to this question, proceed to Question 14.

If you answered “Yes” to this question, proceed to the next question.

12. Is Trooper William Luckenbill liable to Bria Jacoby for the harm caused by this use of force?

_____ Yes
_____ No
_____ Evidence is equally balanced

If you answered “No” or “Evidence is equally balanced” to this question, enter \$1.00 as response to Question 13 and proceed to Question 14.

If you answered “Yes” to this question, proceed to the next question.

13. What amount will fairly compensate Bria Jacoby for the injuries she received as a result of Trooper William Luckenbill's use of force?

\$ _____

Proceed to the next question.

14. Did Troopers William Luckenbill and David Guenther have a reasonable belief that Steve Mitchell could be in need of immediate aid when they entered the Mitchell residence?

_____ Yes
_____ No
_____ Evidence is equally balanced

If you answered “Yes” or “Evidence is equally balanced” to this question, return to the courtroom.

If you answered “No” to this question, proceed to the next question.

15. Did Robin Mitchell voluntarily consent to Troopers William Luckenbill and David Guenther's entry into the Mitchell residence?

_____ Yes
_____ No
_____ Evidence is equally balanced

If you answered "Yes" or "Evidence is equally balanced" to this question, return to the courtroom.

If you answered "No" to this question, proceed to the next question.

16. Did the plaintiffs suffer any actual injury as a result of Troopers William Luckenbill and David Guenther's entry into the Mitchell residence?

_____ Yes
_____ No
_____ Evidence is equally balanced

If you answered "No" or "Evidence is equally balanced" to this question, enter \$1.00 in response to questions 17 and 18 and return to the courtroom.

If you answered "Yes" to this question, proceed to the next question.

17. In what amount is Trooper William Luckenbill liable to the plaintiffs for the harm they suffered as a result of his entry into the Mitchell residence?

\$ _____

Proceed to the next question.

18. In what amount is Trooper David Guenther liable to the plaintiffs for the harm they suffered as a result of his entry into the Mitchell residence?

\$ _____

Return to the Courtroom.

Respectfully submitted,

THOMAS W. CORBETT, JR.
Attorney General

BY: s/ Lisa Wojdak Basial
LISA WOJDAK BASIAL
Senior Deputy Attorney General
Pa. I.D. #71554

SEAN A. KIRKPATRICK
Deputy Attorney General

Counsel for Defendants

Office of Attorney General
15th Floor Strawberry Square
Harrisburg, PA 17120
(717) 787-7157

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